IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1593 OF 2006

Shri Shahaji Lingappa Patil. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Shri S.A. Ingawale for Applicant.
Shri Y.S. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 25, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested in connection with an offence punishable under Section 302 read with Section 34 of the IPC.

2. The prosecution case is that the deceased alongwith other members of the Dudhsakhar Uos Vahatuk Pat Sanstha Ltd. had gone to the house of the applicant to recover an amount of Rs.35,000/- which was due and payable to the said Sanstha. When the employees of the Sanstha demanded the said amount from the father of the

applicant and told that if the amount is not paid, they would seize the vehicle, the applicant's father asked him to bring his gun. Accordingly, the applicant brought the gun and handed it over to his father. The applicant's father fired a shot from the gun and as a result, one of the employees of the Bank died on the spot.

3. It is submitted that the only act of the applicant was that he had brought the gun from inside as demanded by his father. He submitted that there is no material to show that he shared the object or intention of his father. The chargesheet has been filed and the applicant is in custody since last seven months. Considering this fact, in my view, this is a fit case for grant of bail.

4. Applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. He shall report to the Murgud Police Station once in a month.

5. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

6. The trial Court shall not be influenced by any observations made by this Court while deciding the application and the same shall not be construed as an expression of opinion on merits of the case.

. The application is disposed of.

(V.M. Kanade, J.)